

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOSHUA JOHNSON,

Plaintiff,

v.

No. 2:23-cv-1063 JHR/KRS

PARKS FLOYD INVESTMENTS, LLC,

Defendant.

SCHEDULING ORDER

THIS MATTER comes before the Court following a telephonic Rule 16 scheduling conference held on February 21, 2024. At the hearing, the Court adopted the parties' proposed Joint Status Report and Provisional Discovery Plan, with slight modifications, as reflected in the dates below.

Accordingly, **IT IS HEREBY ORDERED** that the parties shall adhere to the following discovery plan:

- (a) The parties agree that Rule 33 of the Federal Rules of Civil Procedure governs the interrogatories by each party to any other party. Responses due 30 days after service.
- (b) The parties agree that the Federal Rules of Civil Procedure govern the requests for admission by each party to any other party. Responses due 30 days after service.
- (c) The parties agree that the Federal Rules of Civil Procedure govern the number of depositions by Plaintiff and by Defendant. Each deposition (other than of parties) limited to maximum of six (6) hours, unless extended by agreement of the parties.

IT IS FURTHER ORDERED that the following case management deadlines shall govern:

- (a) Deadline for Plaintiff to amend pleadings and join additional parties pursuant to Federal Rule of Civil Procedure 15: **March 27, 2024;**
- (b) Deadline for Defendant to amend pleadings and join additional parties pursuant to Federal Rule of Civil Procedure 15: **March 27, 2024;**
- (c) Deadline for Plaintiff's expert reports: **June 20, 2024;**
- (d) Deadline for Defendant's expert reports: **July 22, 2024;**
- (e) Termination of discovery: **November 18, 2024;**
- (f) Deadline for supplementing discovery/disclosures: Due as required by the Federal Rules of Civil Procedure;
- (g) Motions relating to discovery: **December 9, 2024;**
- (h) All other motions:¹ **December 19, 2024;**
- (i) Pretrial order: To be set by the presiding judge.

IT IS FURTHER ORDERED that the Court must approve any changes to the timing or scope of discovery, other than the parties' agreement to extend the length of a deposition made during the deposition in question. Requests by a party to change the timing or scope of discovery, other than a mutual agreement to extend a deposition reached during the deposition, must be made by motion and before the termination of discovery or the expiration of any applicable deadline. Discovery must be completed on or before the termination of the discovery deadline. A written discovery request must be propounded by a date which ensures that the

¹ This deadline applies to motions related to the admissibility of experts or expert testimony that may require a *Daubert* hearing, but otherwise does not apply to motions *in limine*. The Court will set a motions *in limine* deadline in a separate order.

response to that request is due on or before the discovery deadline. The parties are further reminded that the cutoff for motions related to discovery does not relieve the party of the twenty-one (21) day time period under Local Rule 26.6 to challenge a party's objections to answering discovery. The parties are encouraged to review Federal Rule of Civil Procedure 26(a)(2) to ensure they properly disclose *all* testifying witnesses, not just those for whom a report is required.

A handwritten signature in black ink, reading "Kevin Sweazea". The signature is written in a cursive, slightly stylized font. The first name "Kevin" is written in a smaller, more compact script, while "Sweazea" is written in a larger, more flowing script. The signature is positioned above a horizontal line.

KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE